

ORDINANCE NUMBER 4003-2016

AN ORDINANCE AMENDING PART II, CHAPTER 11 (SPECIAL EVENTS), CHAPTER 22 (BUSINESSES), AND CHAPTER 58 (OFFENSES AND MISCELLANEOUS EXPENSES) OF THE CODE OF THE CITY OF WOODSTOCK, GEORGIA.

Whereas, the City of Woodstock, Georgia (hereinafter sometimes referred to as the "City") is a municipality duly formed and existing pursuant to Georgia law; and

Whereas, the 1983 Constitution of the State of Georgia provides for the self-government of municipalities, without the necessity of action by the General Assembly¹; and

Whereas, the City of Woodstock, Georgia has the legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general laws or which are expressly allowed by general law, and which are not inconsistent with the Constitution or any charter provision applicable thereto²; and

Whereas, the State Legislature passed House Bill 110 in April 2015, regulating the sale and use of use of fireworks; and

Whereas, the State Legislature passed House Bill 727 in April 2016, amending House Bill 110, regulating the sale and use of fireworks; and

Whereas, the governing body of the City has determined that it is in the best interest of the City and its citizens to adopt the following; and

NOW THEREFORE BE IT RESOLVED, THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA HEREBY ORDAINS:

¹ Georgia Constitution, 1983, Article IX Section II, Paragraph II provides in pertinent part as follows:

"The General Assembly may provide by law for the self-government of municipalities and to that end is expressly given the authority to delegate its power so that matters pertaining to the municipalities may be dealt with without the necessity of action by the General Assembly"

² O.C.G.A § 36-35-3(a) provides as follows:

"(a) The governing authority of each municipal corporation shall have legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto. Any such charter provision shall remain in force and effect until amended or repealed as provided in subsection (b) of this Code section. This Code section, however, shall not restrict the authority of the General Assembly, by general law, to define this home rule power further or to broaden, limit, or otherwise regulate the exercise under this Code section, except as authorized under Code Section 36-35-6."

§25-10-1-A.1]

Fireworks means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, submunitions or any explosive composition or any substance or combination of

Electric Plant shall have the same meaning as provided for in O.C.G.A. § 46-3A-1. [Cross reference: O.C.G.A.

fireworks.

Distributor means any person, firm, corporation, association, or partnership which sells consumer

Consumer Fireworks Retail Sales Stand shall have the same meaning as provided for by NFPA 1124.

Consumer Fireworks Retail Facility shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall not include a tent, canopy, or membrane structure.

and drop pots each consisting of 0.25 grains or less of explosive mixture.
trick noise makers which include paper streamers, party poppers, string poppers, snapppers, or a total of 500 grams or less or multiple tubes; snake and glow worms; smoke devices; or are non-explosive and non-aerial and contain 75 grams or less of chemical compound per tube
(b) Wire or wood sparklers of 100 grams or less of mixture per item; other sparkling items which

hunting purposes; and

fireworks" or "fireworks" include ammunition consumed by weapons used for sporting and canes, toy guns, or other devices using such paper caps; nor shall the term "consumer averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy cannons, toy propelling recoverable aero models, toy pistol paper caps in which the explosive content

(a) Model rockets and model rocket engines designed, sold, and used for the purpose of

As used in this chapter, the terms "consumer fireworks" or "fireworks" shall not include:

O.C.G.A § 25-10-1]

Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. [Cross Reference: Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, construction, chemical composition, and labeling regulations of the United States Consumer Product composition, designed primarily to produce visible or audible effects by combustion, that comply with the consumer fireworks means any small fireworks devices containing restricted amounts of pyrotechnic

City means the City of Woodstock, Georgia.

The following words, terms, and phrases when used in this chapter shall have the meanings respectively ascribed to them in this section, except where the context clearly requires otherwise.

The Code of Ordinances, City of Woodstock, Georgia is hereby amended by deleting and replacing section 11-3 "Definitions," of Chapter 11 "Special Events" of the Code of Ordinances with a new section 11-3 "Definitions" to read as follows:

bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. [Cross reference § 25-10-1]

NFPA 1124 means the National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*, 2006 Edition.

Nonprofit Organization or Group means any entity exempt from taxation under Section 501(c) (3) of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of Title 14 of the 'Georgia Nonprofit Corporation Code,' or a sponsored organization of a public or private elementary or secondary school in this state, with a physical address in Cherokee County, Georgia. [Cross reference: O.C.G.A § 25-10-1]

Parades, Marches, and Processions means a group or number of people or vehicles, or the combination thereof, consisting of five or more vehicles or ten or more persons or a combination of three or more vehicles and five or more persons, proceeding or moving in a body or in concert along the streets or sidewalks of the city.

Proximate Audience means an audience closer to pyrotechnic devices than permitted by the National Fire Protection Association Standard 1123, *Code for Fireworks Display*, as adopted by the Safety Fire Commissioner. [Cross reference: O.C.G.A § 25-10-1]

Pyrotechnics means Fireworks [Cross reference: O.C.G.A § 25-10-1]

Road Race means any race on public rights-of-way that require the closing of such rights-of-way or otherwise impedes the flow of normal traffic.

Special Event, as used in this article, means:

- (a) Any activity which occurs upon private or public property that will affect the ordinary use of parks, public streets, rights-of-way, sidewalks, or otherwise impacts the delivery of public safety services.
- (b) Any activity which causes an increase of more than 100 percent in average daily trips on any public street within the city.
- (c) Special events include, but are not limited to, fairs, tours, grand opening celebrations, races, parades, art festivals, concerts, holiday celebrations, bicycle runs and block parties. Private social gatherings which will make no use of city streets other than for lawful parking are not included. Garages sales, lawn sales, rummage sales, flea market sales, or any similar casual sale of tangible personal property are not included.
- (d) For carnivals, please see Chapter 10, sections 10-141 — 10-145 of the Woodstock Municipal Code of Ordinances.

Special Event Permit means the permit required by section 11-4 of this chapter.

- (a) No more than 25 percent of such retail display space is used for consumer fireworks and items or products as provided for under paragraph (2) of subsection (b) of O.C.G.A. § 25-10-1 are sold; and further, (b) Other items or products which are not consumer fireworks or items or products as provided for under paragraph (2) of subsection (b) of O.C.G.A. § 25-10-1; and
- only include such buildings with at least 4,000 square feet of retail display space and wherefrom:
- Store* shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall
- (a) No more than 25 percent of such retail display space is used for consumer fireworks and items or products as provided for under paragraph (2) of subsection (b) of O.C.G.A. § 25-10-1; and
- Waste-Treatment Plant shall have the same meaning as provided for in Code Section 43-51-2 of Georgia Law.
- Waste-Treatment Plant shall have the same meaning as provided for in Code Section 43-51-2 of Georgia Law.
- public by the same name and central management.
- that such term means a person, firm, corporation, association, or partnership with more than one mercantile location, where all such mercantile locations are collectively known by the one mercantile location, which means a corporation, association, or partnership with more than one mercantile location, where all such mercantile locations are collectively known by the
- (b) Other items or products which are not consumer fireworks or items or products as provided for under paragraph (2) of subsection (b) of O.C.G.A. § 25-10-1 are sold; and further,
- The Code of Ordinances, City of Woodstock, Georgia is hereby amended by deleting and repalacing section 11-8 "Fireworks Displays" of Chapter 11 "Special Events" of the Code of Ordinances with a new section 11-8 "Fireworks Displays" to read as follows:
- No person, firm, partnership, association, or corporation shall expose, use, or ignite or cause to be ignited any fireworks unless a license shall first have been obtained from the State of Georgia Safety Fire Commissioner and a permit has been obtained from the Cherokee County, Georgia Probate Court.
- (a.) Any person, firm, corporation, association, or partnership desiring to conduct a public exhibition or display of fireworks not before a proximate audience or before a proximate audience shall first obtain a permit as required by State Law as now or here after amended. [Cross Reference: O.C.G.A. § 25-10-3.2 and 25-10-4]
- (b.) A copy of the following documents must be submitted with the special event permit application to the City Fire Chief, or designee:
- (1) State license as issued by the State of Georgia Safety Fire Commissioner.
- (2) A copy of the permit issued by the Cherokee County, GA Probate Court.
- (3) A certificate of liability insurance.
- (4) The firework company's contact name, address, and phone number.
- (5) A detailed listing of the type and quantity of fireworks to be used.

- (6) A detailed written statement outlining all appropriate safety procedures which will be used at the fireworks display in order to protect the safety of the public and all surrounding property, and the number of City personnel necessary for the event.
- (7) A detailed written statement describing what facilities and containers will be used to store fireworks.
- (8) If applicable, the applicant's federal license number for transporting fireworks across state lines.
- (9) A detailed list of the names, addresses, occupations, and backgrounds of all individuals who will be responsible for the actual display, use, ignition, or explosion of any fireworks. The background statement should include a complete history of the experience of the individuals involved with respect to their use of fireworks, including a detailed list and explanation of each and every accident resulting from the use of fireworks which the individuals have been responsible for or involved in.
- (10) It shall be unlawful to use fireworks, consumer fireworks, or any items defined in paragraph (2) of subsection (b) of O.C.G.A. § 25-10-1 indoors or within the right of way of a public road, street, highway, or railroad of this state. [Cross Reference: O.C.G.A § 25-10-2]
- (11) It shall be lawful for any person 18 years of age or older to use or ignite or cause to be ignited or to possess, manufacture, transport, or store consumer fireworks.
- (12) It shall be lawful for any person, firm, corporation, association, or partnership to use or ignite or cause to be ignited any consumer fireworks anywhere in this state except:
 - (a) As provided for under State Law.
 - (b) In any location where such person, firm, corporation, association, or partnership is not lawfully present or is not otherwise lawfully permitted to use or ignite or cause to be ignited any consumer fireworks; or
 - (c) Within 100 yards of an Electric Plant; Water Treatment Plant; Waste-Water Treatment Plant; a facility engaged in the retail sale of gasoline or other flammable or combustible liquids or gases where the volume stored is in excess of 500 gallons for the purpose of retail sale; or a facility engaged in the production, refining, processing, or blending of any flammable or combustible liquids or gases for retail purposes; any public or private electric substation; or a jail or prison.
 - (d) Within 100 yards of the boundaries of any public use air facility under Title 6 of Georgia Law or any public use landing area or platform marked and designed for the landing use by helicopters;

10. Regulation

[Cross Reference: The use of fireworks is governed by State Law, O.C.G.A Title 25, Chapter 10 Regulation of Fireworks].

(d) Whenever the Governor issues a declaration of drought, the Governor may, for the boundaries of the area covered by such declaration and shall only apply to the exact boundaries of the area further regulations or restrictions shall be rescinded by law.

(c) Any person, firm, corporation, association, or partnership may use or ignite or cause to be ignited any consumer fireworks as provided for in State Law. [Cross Reference: O.C.G.A § 25-10-2.1].

(h) While under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is less safe or unlawful for such person to ignite consumer fireworks as provided for in State Law. [Cross Reference: O.C.G.A § 25-10-2.1].

(g) Within 100 yards of a hospital, nursing home, or other health care facility regulated under Chapter 7 of Title 13 of Georgia Law; provided, however, that an owner or operator of such facility may use or ignite consumer fireworks on the property of such facility or partnership or organization or partnership to use or ignite or cause to be ignited consumer fireworks on the property of such facility or may grant written permission to any person, firm, corporation, association or partnership to use or ignite consumer fireworks on the property of such facility or property of such facility to use or ignite consumer fireworks on the property of such facility.

(f) Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the State of Georgia, except pursuant to any rules and regulations of the agency or department having control of such property which may allow for such use or ignition of consumer fireworks;

(e) Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the City of Woodstock, except pursuant to a special use permit that has been granted by the City of Woodstock;

(d) Whenever the Governor issues a declaration of drought, the Governor may, for the boundaries of the area covered by such declaration and shall only apply to the exact boundaries of the area further regulations or restrictions shall be rescinded by law.

(c) Any person, firm, corporation, association, or partnership may use or ignite or cause to be ignited any consumer fireworks as provided for in State Law. [Cross Reference: O.C.G.A § 25-10-2.1].

(h) While under the influence of alcohol or any drug or any combination of alcohol and any drug to the extent that it is less safe or unlawful for such person to ignite consumer fireworks as provided for in State Law. [Cross Reference: O.C.G.A § 25-10-2.1].

(g) Within 100 yards of a hospital, nursing home, or other health care facility regulated under Chapter 7 of Title 13 of Georgia Law; provided, however, that an owner or operator of such facility may use or ignite consumer fireworks on the property of such facility or property of such facility to use or ignite consumer fireworks on the property of such facility or property of such facility to use or ignite consumer fireworks on the property of such facility.

(f) Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the State of Georgia, except pursuant to any rules and regulations of the agency or department having control of such property which may allow for such use or ignition of consumer fireworks;

(e) Within any park, historic site, recreational area, or other property which is owned by or operated by, for, or under the custody and control of the City of Woodstock, except pursuant to a special use permit that has been granted by the City of Woodstock;

The Code of Ordinances, City of Woodstock, Georgia is hereby amended by deleting and replacing Article VII "Fireworks Sales" of Chapter 22 "Businesses" of the Code of Ordinances with a new Article VII "Fireworks Sales" to read as follows:

It is the purpose of this article to regulate certain aspects of "fireworks" and "consumer fireworks" as an exercise of the City's police power, to the extent allowed by State Law, in order to protect the health, safety, and general welfare of the citizens of this City.

To the extent that relevant Georgia law (Chapter 10 of Title 25, O.C.G.A) is modified or amended, so shall this article be immediately modified or amended.

Sec. 22-220. Definitions

(A) As used in this section, the term:

- (1.) **'Consumer Fireworks'** means any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.
- (2.) **'Consumer Fireworks Retail Sales Facility'** shall have the same meaning as provided for by NFPA 1124; provided, however, that such term shall not include a tent, canopy, or membrane structure.
- (3.) **'Consumer Fireworks Retail Sales Stand'** shall have the same meaning as provided for by NFPA 1124.
- (4.) **'Distributor'** means any person, corporation, association, or partnership which sells consumer fireworks.
- (5.) **'Electric Plant'** shall have the same meaning as provided for in O.C.G.A. § 46-3A-1. [Cross reference: O.C.G.A. § 25-10-1-4.1]
- (6.) **'Fireworks'** means any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.
- (7.) **'NFPA 1124'** means the National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles*, 2006 Edition.

(b) Other items or products which are not consumer fireworks or items or products provided for under paragraph (2) of subsection (b) of O.C.G.A. § 25-10-1 are sold; and
provided, further, that such term means a person, firm, corporation, association, or partnership with more than one mercantile location, where all such mercantile locations are collectively known by the public by the same name and central management.

(a) No more than 25 percent of such retail display space is used for consumer fireworks and items or products as provided for under paragraph (2) of subsection (b) of O.C.G.A. § 25-10-1; and

(11.) **Store**, shall have the same meaning as provided for by N.F.P.A. 1124; provided, however, that such term shall only include such buildings with at least 4,000 square feet of retail display space and term shall mean 25 percent of such retail display space is used for consumer fireworks wherefrom:

(b) Wire or wood sparklers of 100 grams or less of mixture per item, other sparkling items which are nonexplosive and nonmetallic and contain 75 grams or less of chemical compound per tube or a total of 500 grams or less for multiple tubes; snake and glow worms; smoke devices; or trick noise makers which include paper streamers, party poppers, string poppers, snapppers, and drop pops each consisting of 0.25 grain or less of explosive mixture.

(a) Model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, toy pistol paper caps in which the explosive content averages 0.25 grains or less of explosive mixture per paper cap or toy pistols, toy canons, toy canes, toy guns, or other devices using such paper caps; nor shall the term consumer fireworks, or fireworks, include ammunition consumed by weapons used for sporting or hunting purposes; and

(10.) **Safety Fire Commissioner**, has the same meaning as provided for by N.F.P.A. 1124 (b). As used in this chapter, the term consumer fireworks, or fireworks, shall not include:

(9.) **Pyrotechnics**, means fireworks [Cross reference: O.C.G.A. § 25-10-1]
(8.) **Nonprofit Group**, means any entity exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, any entity incorporated under Chapter 3 of Title 14, the Georgia Nonprofit Corporation Code, or a sponsored organization of a public or private elementary or secondary school in this state, with a physical address in Cherokee County, Georgia.

Sec. 22-221. Temporary Consumer Fireworks Retail Sales Stand License Required.

- (1) Any person, firm, corporation, association, or partnership who contemplates selling consumer fireworks from a temporary consumer fireworks retail sales stand within the City limits pursuant to O.C.G.A. § 25-10-2 shall be required to obtain a license from the licensing department in the manner specified in this article. All applications shall be made to the Fire Chief pursuant to this article.
- (2) All statements made by the applicant upon the application or in connection therewith shall be under oath.
- (3) It shall be unlawful for any person, firm, corporation, association, or partnership to offer for sale at retail or wholesale, to use or ignite or cause to be ignited, or to possess, manufacture, transport, or store any consumer fireworks or fireworks except as otherwise provided in O.C.G.A. § 25-10-2.
- (4) The license fee for a distributor selling consumer fireworks from a temporary consumer fireworks retail sales stand shall be \$500.00 per location, payable to the City of Woodstock, Georgia. Upon finding that a distributor has met the requirements of subsection (a) of O.C.G.A § 25-10-5.1, has a license pursuant to subsection (b) or (d) of O.C.G.A. §25-10-5.1 has no more than the allowable temporary consumer fireworks retail sales stands pursuant to subparagraph (b)(6)(B) of O.C.G.A. §25-10-2, that the sales of consumer fireworks from such temporary consumer fireworks retail sales stand shall accrue to the benefit of a nonprofit group, and upon payment of such license fee, such license shall be issued by the fire department of the City of Woodstock, Georgia; such license shall identify the temporary consumer fireworks retail sales stand applicable to such license and shall expire on the next January 31 after the issuance of such license.
- (5) A determination by the Fire Department of the City of Woodstock, Georgia of whether a distributor has met requirements for the issuance of a license pursuant to this subsection shall be made within 30 days of the submission of an application for any such license. Such application shall be in writing and upon such form as may be provided by the fire department. If a determination has not been made within the time provided for by this paragraph, or for an appeal of a determination by the fire department, a distributor may seek review from the judge of the probate court. Such judge may provide for the issuance or nonissuance of a license and for the payment of license fees in such manner as is consistent with the provisions of this article.
- (6) For at least one of the temporary consumer fireworks retail sales stands provided for under subparagraph (b)(6)(B) of O.C.G.A § 25-10-2, a nonprofit group benefiting from the sale of consumer fireworks from such temporary consumer fireworks retail stand shall directly participate in operating such temporary consumer fireworks retail sales stand. It shall be unlawful for a nonprofit group or any agent or bona fide representative of a nonprofit group to knowingly lend the name of the nonprofit group or allow the identity of the nonprofit group to be used for the license under this article if such nonprofit group is not directly participating in operating, or benefiting from the operation of, such temporary consumer fireworks retail sales stand.

(4) A distributor licensed by the City of Woodstock Fire Department may operate no more than two temporary consumer fireworks retail sales stands; provided, however, that such distributor has been operating and open to the public for at least 30 days prior to July 4 or December 31 in the year of an application for an initial license that is filed within 30 days of July 4 or December 31.

(3) It shall be unlawful to sell consumer fireworks from any motor vehicle, from a trailer towed by a motor vehicle.

c. Selling consumer fireworks of a distributor licensed pursuant to O.C.G.A. §25-10-5.1.

and
may operate in excess of 1,000 feet from such fire hydrant or fire department connection;
department provides in writing that such temporary consumer fireworks retail sales stand
retail sales stand, unless the chief administrative officer of the fire department of the fire
or a fire department connection of a building affiliated with such consumer fireworks
b. Within 1,000 feet of a fire hydrant of a county, municipality, or other political subdivision

stand in the selling of consumer fireworks as provided for in N.F.P.A. 1124; and
a. In compliance with the requirements for such temporary consumer fireworks retail sales

(2) It shall be lawful to sell consumer fireworks from a temporary consumer fireworks retail sales
stand only if such temporary consumer fireworks retail sales stand is:

(1) The applicant under this article stand must meet the zoning requirements as set forth in Chapter
50 pertaining to the Land Development Code and Chapter VII of the Land Development Code.

Sec. 22-222. Location of Temporary Consumer Fireworks Retail Sales Stands and Compliance.

(9) A revocation of suspension of a license provided for under subsection (b) or (d) of O.C.G.A. §25-
10-5.1 shall operate as a revocation or suspension of a distributor's license under this article for
the term of such revocation or suspension.

the fire department shall reference the list provided for by this paragraph.
publicly available for inspection. In making determinations as provided for under this subsection
location not previously included on such list. The Safety Fire Commissioner will make such list
not less than 30 days prior to having such distributor's consumer fireworks offered for sale at a
fireworks retail sales stand at which such distributor has consumer fireworks offered for sale and
such list shall be submitted not less than 30 days prior to first having a temporary consumer
which such distributor has consumer fireworks offered for sale to the Safety Fire Commissioner.
addresses, including the counties, of each temporary consumer fireworks retail sales stand at
(8) A distributor licensed pursuant to O.C.G.A. § 25-10-5.1 shall submit a list of the names and
Awareness Training.

(7) The City of Woodstock will expend such fees collected pursuant to this article for Fire Safety

The Code of Ordinances, City of Woodstock, Georgia is hereby amended by deleting and replacing section 58-39, of Chapter 58, Article II "Offenses" of the Code of Ordinances with a new section 58-39, of Chapter 58, Article II "Offenses" to read as follows:

Sec. 58-39. Loud and unnecessary noises; prohibition.

- (a) No person shall willfully make, continue or cause to be made or continued any excessive, unnecessary or unusually loud noise which disturbs the peace and quiet of and the general well-being and privacy of its citizens or which causes discomfort or annoyance to any reasonable personal of normal sensitiveness residing within the city limits.
- (b) Consumer Fireworks (Exempt from Maximum Noise Levels)
 - (1) It shall be lawful for any person, firm, corporation, association or partnership to use or ignite or cause to be ignited any consumer fireworks on:
 - i. Any day beginning at the time of 10:00 am and up to and including the ending time of 9:00 PM; and [O.C.G.A § 25-10-1(3)(b)]
 - ii. On January 1, July 3, July 4, and December 31 of each year after the time of 9:00PM and up to and including the time of 11:59PM.; and
 - iii. On January 1 of each year beginning at the time of 12:00 Midnight and up to and including the ending time of 1:00 AM.
 - (2) An application for a special use permit may be made to be considered by the Mayor and Council to allow for a time outside the scope of the time permitted by state law. A non-refundable special use permit fee will apply. The special use permit shall designate the time or times and location that such person, firm, corporation, association or partnership may use or ignite or cause to be ignited from such fireworks.
- (c.) The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but the enumeration shall not be deemed exhaustive:
 - (1) *Motor vehicles.* The sounding of any automobile, motorcycle or any other motor vehicle horn; the sound of any automobile, motorcycle or any other motor vehicle being raced on any street or public place of the city.
 - (2) *Exhausts.* The discharging into the open air of the exhaust of any internal combustive engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises.
 - (3) *Radio and similar devices.* The operation of any radio set, musical instrument, phonograph, television set or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents. Business

(7) **Schools, churches, hospitals.** The creating of any excessive noise on any street adjacent to any which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed school, church, or adjacent to any hospital which unreasonably interferes with such institution, or indicating that the same is a school, church or hospital.

(6) **Vehicle repair.** The repairing, rebuilding or testing of any motor vehicle between the hours of 7:00 p.m. and 7:00 a.m. within any residential area in such a manner as to disturb the peace, quiet, and comfort of the residents of the area.

(d) If the disturbance is not resolved within two days or a subsequent complaint is made for such animal by a different individual, who resides at a different location from the first complainant, a court summons shall be issued in accordance with the requirements of this chapter.

(c) Upon notification of a complaint concerning such vocalizations, the owner of such animal shall be given a written warning indicating that such animal is creating a disturbance, so long as the complainant provides the officer with the address of the owner, an physical description of the offending animal.

(b) Officers enforcing this subsection are not required to measure the vocalizations with the use of a sound level meter.

(a) These time limits do not apply if the vocalizations are given as a warning to the presence of an intruder.

(5) **Animals.** The keeping of any animal which, by frequent or continuous barking, meowing or other means of communication, disturbs the comfort or repose of the residents of any residential neighborhood, or animals that make any vocalizations for more than 15 minutes without interruption or more than 30 minutes if the vocalization is intermittent.

(4) **Construction equipment and activity.** The operation of any equipment or the performance of any outside construction on buildings, structures, roads or projects (to include commercial solid waste activities) within the city between the hours of 7:00 p.m. and 7:00 a.m. Monday – Saturday. On Sunday, construction equipment and activity shall only be between the hours of 12:00 noon and 6:00 p.m., with no solid waste activities allowed on Sunday.

establishments located in the downtown business district may host the performance of live music until 11 p.m.

(8) *Maximum noise levels.* It shall be a violation of city ordinance if any of the above noise levels exceed the below listed noise levels when measured in the home or business of the complaining party or the noise is generated from the stereo system of a vehicle and can be heard for more than 100 feet from the vehicle:

Maximum Noise Level Limits	Time	Noise Levels
Residential	10:00 p.m.—7:00 a.m. 7:00 a.m.—10:00 p.m.	55 dBA 60 dBA
Commercial	10:00 p.m.—7:00 a.m. 7:00 a.m.—10:00 p.m.	60 dBA 65 dBA
Light industrial	10:00 p.m.—7:00 a.m. 7:00 a.m.—10:00 p.m.	65 dBA 70 dBA
Heavy industrial	Anytime	75 dBA

(Code 1989, § 11-1-10; Res. No. 91-03-25, 3-25-1991; Ord. No. 02-03-26, 3-26-2002)

ELDON L. BASHAM, CITY ATTORNEY

APPROVED AS TO FORM:

RHONDA L. PEZZELLO, CLERK

DONNIE HENRIQUES, MAYOR

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WOODSTOCK, GEORGIA,
THIS 11 DAY OF July 2016.

FIRST READING: 6-20-16 SECOND READING: 7-11-16

Effective Date. This Ordinance shall take effect immediately upon its adoption.